

BALLOT LANGUAGE FOR LEGISLATIVE REFERENDUM NO. 129 (LR-129)

LEGISLATIVE REFERENDUM NO. 129

AN ACT REFERRED BY THE LEGISLATURE

AN ACT ESTABLISHING THE MONTANA BALLOT INTERFERENCE PREVENTION ACT; PROHIBITING THE COLLECTION OF ANOTHER INDIVIDUAL'S BALLOT; PROVIDING EXCEPTIONS; REQUIRING CERTAIN INDIVIDUALS WHO ARE AUTHORIZED TO COLLECT BALLOTS TO PROVIDE CERTAIN INFORMATION WHEN DELIVERING THE BALLOT TO A POLLING PLACE OR ELECTION ADMINISTRATOR'S OFFICE; PROVIDING PENALTIES AND DEFINITIONS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

The 2017 Legislature has submitted this proposal for a vote. LR-129 prohibits a person from collecting another voter's ballot, with certain exceptions. The prohibition would not apply to an election official, postal worker, caregiver, family member, household member, or an acquaintance. Any such individuals that are caregivers, family members, household members or acquaintances would be required to sign a registry at the polling place or the election administrator's office when delivering the ballot and are required to provide the following information: the individual's name, address, and phone number; the voter's name and address; and the individual's relationship to the voter. An individual who violates any provision within LR-129 could be fined \$500 for each ballot unlawfully collected.

☐ YES on Legislative Referendum LR-129

☐ NO on Legislative Referendum LR-129

THE COMPLETE TEXT OF SENATE BILL NO. 352, REFERRED BY LR-129

AN ACT ESTABLISHING THE MONTANA BALLOT INTERFERENCE PREVENTION ACT; PROHIBITING THE COLLECTION OF ANOTHER INDIVIDUAL'S BALLOT; PROVIDING EXCEPTIONS; REQUIRING CERTAIN INDIVIDUALS WHO ARE AUTHORIZED TO COLLECT BALLOTS TO PROVIDE CERTAIN INFORMATION WHEN DELIVERING THE BALLOT TO A POLLING PLACE OR ELECTION ADMINISTRATOR'S OFFICE; PROVIDING PENALTIES AND DEFINITIONS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [Sections 1 through 5] may be cited as the "Montana Ballot Interference Prevention Act".

Section 2. Definitions. As used in [sections 1 through 5], the following definitions apply:

- (1) "Acquaintance" means an individual known by the voter.
- (2) "Caregiver" means an individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home.
- (3) "Collect" means to gain possession or control of a ballot.
- (4) "Family member" means an individual who is related to the voter by blood, marriage, adoption, or legal guardianship.
- (5) "Household member" means an individual who resides at the same residence as the voter.

Section 3. Ballot collection prohibited -- exceptions. (1) Except as provided in subsection (2), a person may not knowingly collect a voter's voted or unvoted ballot.

- (2) This section does not apply to:
 - (a) an election official;
 - (b) a United States postal service worker or other individual specifically authorized by law to transmit United States mail;
 - (c) a caregiver;
 - (d) a family member;
 - (e) a household member; or
 - (f) an acquaintance.
- (3) An individual authorized to collect a voter's ballot pursuant to subsection (2)(c) through (2)(f) may not collect and convey more than six ballots.

Section 4. Record of delivery. An individual permitted to collect and convey a ballot under [section 3(2)(c) through (2)(f)] shall sign a registry when delivering the ballot to the polling place or the election administrator's office. In addition to the signature

requirement, the individual collecting and conveying the ballot must provide the following information:

- (1) the individual's name, address, and phone number;
- (2) the voter's name and address; and
- (3) the individual's relationship to the voter required to collect and convey a ballot pursuant to [section 3(2)(c) through (2)(f)].

Section 5. Penalty. A violation of a provision of [sections 1 through 5] is punishable by a fine of \$500 for each ballot unlawfully collected.

Section 6. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 13, chapter 35, and the provisions of Title 13, chapter 35, apply to [sections 1 through 5].

Section 7. Effective date. [This act] is effective upon approval by the electorate.

Section 8. Submission to electorate. [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2018 by printing on the ballot the full title of [this act] and the following:

- ☐ YES on Legislative Referendum ____.
- ☐ NO on Legislative Referendum ____.

- END -